



IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 8th Day of June 1998

B E F O R E

THE HON'BLE MR. JUSTICE V. GOPALA GOWDA

WRIT PETITION No. 30902/1997

Between:

The Bank Officers and  
Officials House Building  
Co-operative Society Ltd.,  
by its Secretary,  
A.S.Prakash,  
S/o A.P. Suryakantharajaiah,  
No.163/2, Ground Floor,  
1st Main Road,  
Seshadripuram,  
Bangalore-560020.

...Petitioner

(By Sri T.S.Ramachandra, Advocate)

A n d :

1) The Bangalore Development  
Authority,  
by its Commissioner,  
Dr. T.Chowdaiah Road,  
Kumara Park West,  
Bangalore-560020.

2) The Town Planner Member,  
Office of the Bangalore  
Development Authority,  
Dr.T.Chowdaiah Road,  
Kumara Park West,  
Bangalore-560020.

...Respondents

(By Sri Sampat Ananda Shetty, Advocate)

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This writ Petition is filed under Article 226 of the Constitution of India with a prayer to quash vide Annexure-'B' dated 19.7.1997 by R2 and declare that the said notice is without authority of law; direct the authority from giving effect to the notice dated 19.7.1997 (Annexure-'B'), etc.

This writ petition coming on for preliminary hearing in 'B' group this day, the Court made the following:-

O R D E R

The question raised in this petition is covered by the judgment of this Court in W.P.No.14072-14074/1986 disposed of on 20th February 1991 <sup>in the Case of</sup> VENKATAPPA & OTHERS AND STATE OF KARNATAKA.

2. The grievance of the petitioner is that the lands in question where the layout work is being done by the petitioner society does not come within the jurisdiction of Bangalore Development Authority as the area has not been included in the Metropolitan area as defined under Section 20 of the Bangalore Development Authority Act, 1976, by issuing a Notification by <sup>the</sup> State Government in that regard. Further, it is also stated that Section 17 of the Karnataka Town and Country Planning Act, 1961 applies to the formation of layout of private street and not the sites formed



in the lands belonging to any person. Therefore the impugned notices at Annexures-B and D are without jurisdiction, and the same are liable to be quashed.

3. The learned counsel Mr. Sampath Anand Shetty appearing for respondents 1 and 2 has filed the counter urging certain contentions which are outside the points to be determined in this writ petition. The learned counsel has not produced the Notification, if any, issued by the State Government wherein the lands in question are included within Bangalore Metropolitan area to get the jurisdiction over the said area. In the absence of any material whatsoever to show that the lands in question are within the Bangalore Metropolitan area, the issuance of notices at Annexures-'B' & 'D' are without jurisdiction <sup>and</sup> authority of law in view of the law laid down by the Division Bench of this Court in the decision referred to above. In this view of the matter, I pass the following Order:

Issue Rule. This writ petition is allowed. Impugned notices Annexures-'B' & 'D' are hereby quashed. No costs.

Sd/-  
JUDGE

mpk/-  
Kms/200798

